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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/673,784      | 09/29/2003  | Takehiro Nakamura    | 15689.49.3          | 3004             |

22913 7590 11/14/2006

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EXAMINER

KIM, KEVIN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2611

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Esmailzadeh (US 6,259,724) in view of Dent (US 5,670,964).

Esmailzadeh discloses a communication system comprising a base station (12) and a mobile station (16) and a method thereof, comprising;

measurement means/step at the base station for measuring uplink interference,  
transmission means/step for transmitting information on the measured  
interference to the mobile station,  
reception means/step at the mobile station for receiving the information,

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decision means/step for deciding initial transmission power when accessing the base station based on the received information regarding the interference power, and random access means/step for conducting random access means to the base station at the initial transmission power.

See col. 4, lines 7-35.

However, Esmailzadeh fails to teach transmitting information about the transmission power of a perch channel from by the base station to the mobile station such that the information about the transmission power, as well as the information about the uplink interference, is used by the mobile station in determining the initial transmission power.

Dent teaches the base station transmitting a broadcast signal, i.e., a perch channel, including information about its transmission power such that a mobile station can estimate the propagation loss and subsequently determines an appropriate transmitter power level in making a first transmission to the base station. See col. 11, lines 15-32.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to configure the base station of Esmailzadeh to additionally send information about its transmission power so that a mobile station can determine an optimum transmitter power level in making a first transmission to the base station based on the base station transmission power as well as uplink interference information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y. Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 12, 2006

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**KEVIN KIM**  
**PRIMARY PATENT EXAMINER**